HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16170 OF 2007

Dated:30.07.2007

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Between:

K. Nalini

..Petitioner

And

1.The Chief Postmaster General
A.P. Circle, Hyderabad and others.

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16170 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to call for the records pertaining to the order of the Central Administrative Tribunal, Hyderabad passed in O.A.No:313 of 2005, dated 03.07.2006 and to set aside the same.

The petitioner herein is the applicant before the tribunal. She filed the above O.A. questioning the proposed action of the respondents to replace the applicant, who is working as GDS/Branch Postmaster, on provisional basis, by another adhoc arrangement, without considering her case for regularization. The tribunal having observed that the Assistant Superintendent of Posts, Vijayawada North Sub Division had irregularly made the stopgap arrangement by posting the applicant with effect from 1.5.2003 and such an appointment cannot confer any right to the incumbent, dismissed the O.A. Having aggrieved by the same, the present writ petition is preferred by the applicant.

Heard the learned counsel for the petitioner and the learned Counsel appearing for the respondents.

As can be seen from order impugned, it is apparent that it is the contention of the respondents that one Smt. L. Vara Lakshmi, Branch Postmaster vide representation dated 31.1.2003, tendered her resignation. But her resignation was accepted on 29.4.2005. It is the contention of the applicant that she was appointed when the regular incumbent resigned her post as BPM, with effect from 7.3.2002 on provisional basis.

The material on record clearly goes to show that the post in question was not vacant from 1.3.2002 for the reason one L. Varalakshmi, the regular incumbent has not submitted her resignation by that time and that too, acceptance of the resignation, will be subject to verification of past work as well as the clearance of the departmental

dues as rightly observed by the tribunal. Therefore, the alleged appointment, if any made during the course of this interregnum period, amounts to create a temporary stopgap arrangement and even that stopgap arrangement, which was made during the pendency of the consideration of the resignation of the regular incumbent, amounts to an irregular process, which does not confer any right to the applicant.

In the present facts and circumstances of the case and in view of the observations made by this Court in the foregoing paragraphs, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 30th July, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16170 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

30/07/2007